

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK
 -----X
 RHODELLA WRIGHT,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 08/07/2014

Plaintiff,

- against -

O R D E R

13 Civ. 4976 (NRB)

JEWISH CHILD CARE ASSOCIATION
 OF NEW YORK,

Defendant.

-----X
 NAOMI REICE BUCHWALD
 UNITED STATES DISTRICT JUDGE

Plaintiff moves this Court pursuant to 28 U.S.C. § 1915(d) for appointment of counsel. When deciding whether to appoint a lawyer for an indigent party in a civil action, the following criteria are applied: (1) the merits of the party's claims; (2) ability to pay; (3) plaintiff's efforts to obtain a lawyer; (4) the availability of a lawyer; and (5) plaintiff's ability to gather and deal with the relevant facts. See Cooper v. A. Sargent Co., 877 F.2d 170, 172 (2d Cir. 1989). The threshold requirement is a showing of sufficient likelihood of success on the merits to warrant the appointment of counsel. See, e.g., Ferrelli v. River Manor Health Care Ctr., 323 F.3d 196, 203-05 (2d Cir. 2003). When evaluating the merits, pro se complaints are held to a less stringent standard. See Tracy v. Freshwater, 623 F.3d 90, 101 (2d Cir. 2010). Nevertheless, courts must be wary when assigning counsel,

as such assignments require the "allocation of the scarce resource of volunteer-lawyer time." Ferrelli, 323 F.3d at 206.

Based upon the record submitted to date, we cannot conclude that plaintiff has demonstrated a sufficient likelihood of success on the merits that would support the appointment of counsel. Thus, the application is denied without prejudice to reconsideration at a later time should a more complete record warrant a different result. This Order resolves docket number 36.

SO ORDERED.

Dated: New York, New York
August 6, 2014



Naomi Reice Buchwald
NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Copies of the foregoing Order have been mailed on this date to the following:

Rhodella Wright
1199 Fulton Ave., Apt. 2C
Bronx, NY 10456-4300

Susan D. Friedfel, Esq.
Jerold D. Jacobson, Esq.
Proskauer Rose LLP
Eleven Times Square
New York, NY 10036-8299